

November 14, 2003

FILED ELECTRONICALLY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: *Ex Parte* Submission for the Record in WT Docket No. 01-90 and ET Docket No. 98-95: Amendment of the Commission's Rules Regarding Dedicated Short Range Communications Services in the 5.850-5.925 GHz Band (5.9 GHz Band)

Dear Secretary Dortch:

The Intelligent Transportation Society of America ("ITS America"), by its counsel, and the Satellite Industry Association ("SIA") hereby submit this report concerning the sharing of the 5.85-5.925 GHz band (5.9 GHz Band") between ITS applications employing dedicated short range communications systems ("DSRC") and Fixed Satellite Service ("FSS") operations. Since completion of the comment cycle on the Notice of Proposed Rulemaking ("NPRM")¹ in the above-captioned proceeding, the parties have had four meetings and many telephone and e-mail communications seeking to reach agreement on a protocol for sharing of the 5.9 GHz Band between DSRC and FSS uses. Significant progress has been made in these discussions

Through these discussions, the parties agreed that there is no basis to require frequency coordination between DSRC operations in the 5.9 GHz Band and FSS operations in the adjacent conventional C-band (5.925-6.425 GHz Band). The parties have exchanged technical information to assist in the development of sound engineering practices and guidelines for DSRC systems to minimize the impact of any FSS C-band out-of-band emissions on the operation of DSRC systems in the 5.9 GHz Band. The parties have further agreed that the use of a site-specific licensing methodology for DSRC operations would best facilitate any frequency coordination that may be necessary between FSS extended C Band and DSRC operations.

¹ *In the Matter of Amendment of Parts 2 and 90 of the Commission's Rules to Regarding Dedicated Short Range Communications in the 5.850-5.925 GHz Band (5.9 GHz Band), Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services*, WT Docket No. 01-90, ET Docket No. 98-95, Notice of Proposed Rulemaking, 17 FCC Rcd 21236 (2002).

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The parties are continuing their discussions concerning the development of a sharing protocol between DSRC and FSS operations in the 5.9 GHz Band and are hopeful that an agreement will be reached. The primary concerns that are being addressed through discussions are the possibilities that DSRC operations located within the proximity of an existing FSS site may experience harmful interference from in-band FSS operations, and that ubiquitous deployment of DSRC systems may constrain co-primary FSS operations in the band.

The parties are cooperating in the preparation of a technical study that will facilitate the conclusion of their discussions. This study should be completed by January 31, 2004. The parties expect to be able to conclude their discussions shortly thereafter and will report the results thereof to the Commission.

Respectfully submitted,

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